

ZONING REVIEW SHEET**CASE:** C14-2008-0062**P.C. DATE:** April 8, 2008**ADDRESS:** 1103 and 1105 N IH 35 SVRD NB**OWNER/APPLICANT:** Matt Mathias and Richard Hardin**AGENT:** Alice Glasco Consulting (Alice Glasco)**REZONING FROM:**

CS-1-NCCD-NP and CS-1-CO-NCCD-NP(Commercial Liquor Sales - Neighborhood Conservation Combining District – Neighborhood Plan and Commercial Liquor Sales – Conditional Overlay-Neighborhood Conservation Combining District – Neighborhood Plan)

TO:

CS-1-NCCD-NP (Commercial Liquor Sales - Neighborhood Conservation Combining District – Neighborhood Plan) The East 11th Street NCCD (Subdistrict 3) will be amended to add residential uses as defined in the Land Development code to the list of permitted uses of Attachment 16 of the NCCD and delete Part 4 (C) of ordinance #910620-C (C14-88-0103) which requires an archeologist on site during excavation.

AREA: 0.748 Acres (32,582.88 square feet)**SUMMARY PLANNING COMMISSION RECOMMENDATION:**

April 8, 2008: PC APPROVED STAFF'S RECOMMENDATION OF CS-1-NCCD-NP DISTRICT ZONING -to amend the East 11th Street NCCD (Subdistrict 3) to add residential uses as defined in the Land Development code to the list of permitted uses of Attachment 16 of the NCCD and delete Part 4 (C) of ordinance #910620-C (C14-88-0103) which requires an archeologist on site during excavation; BY CONSENT.

[P. Cavazos, S. Kirk 2ND] (7-0) P. Hui – Absent / D. Sullivan – Not yet arrived.

SUMMARY STAFF RECOMMENDATION:

The Staff recommends approval of the rezoning from CS-1-NCCD-NP and CS-1-CO-NCCD-NP to CS-1-NCCD-NP with modifying the East 11th Street NCCD. All provisions in the East 11th Street NCCD will remain with the exception of amending Subdistrict 3 to add residential uses as defined in the Land Development Code and delete Part 4 (C) of Ordinance #910620-C (C14-88-0103) which requires an archeologist on site during excavation. (Please see Attachment "A").

A traffic impact analysis may be required at the time of site plan.

The recommendation is based on the following considerations:

- The requested zoning classification is compatible with existing commercial and residential land uses in the area;
- The recommended permitted use will encourage the compatibility of land uses within the East 11th Street NCCD; and
- All other conditions of the East 11th Street NCCD shall remain applicable to the site.

DEPARTMENT COMMENTS:

The subject rezoning area consists of 0.748 acres (32,582.88 square feet) zoned CS-1-NCCD-NP and CS-1-CO-NCCD-NP developed with a CVS Pharmacy and Money Store. The site lies within the East

11th Street NCCD (subdistrict 3) and access to the property is via N IH 35, East 11th and East 12th Street.

The applicant seeks to rezone the property to amend the East 11th Street NCCD to permit residential uses on the site and omit the provision which requires an archeologist on site during excavation.

ISSUES:

- On April 8, 2008, the Organization of Central East Austin voted not to support the requested zoning change.
- On April 15, 2008, the Austin Revitalization Authority voted to support the requested zoning change.
- On April 29, 2008, the East 12th Street Business and Property Owners Association voted to support the requested zoning change with the recommendation that at least 20 % of the development be commercial uses.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	CS-1-NCCD-NP and CS-1-CO-NCCD-NP	CVS and Money Store
<i>North</i>	CS-NP	Super 8 Motel / Insure a Kid
<i>South</i>	CS-MU-NCCD-NP	Financial Services/ Robertson Hill (formally the Bennett Tract – 4 story apartment complex/ undeveloped
<i>East</i>	GR-MU-H-NP; SF-3-NP; MF-3-NCCD-NP	Commercial and Single Family Residences

NCCD: East 11th Street

NP: Central East Austin

TIA: A TIA may be required at the time of site plan.

WATERSHED: Waller Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: Yes

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

Robertson Hill Neighborhood Organization
 First American Commercial Property Group
 Organization of Central East Austin Neighborhoods (OCEAN)
 PODER People Organized in Defense of Earth & Her Resources
 Austin Independent School District
 Sentral Plus East Austin Koalition (SPEAK)
 Home Builders Association of Greater Austin
 Austin Neighborhoods Council
 Homeless Neighborhood Organization
 Anderson Hill Homeowners Assoc.
 League of Bicycling Voters

SCHOOLS:

Austin Independent School District

- Blackshear Elementary School
- Kealing Middle School
- Johnston High School

RELATED CASES:

There are no relevant case histories on or surrounding the subject tract.

ABUTTING STREETS:

Name	ROW	Pavement	Classification	Daily Traffic
IH-35	400'	Varies	Freeway	169,000 (2005)
Branch	60'	27'-37'	Collector	7,973 (6/26/06)**

** 1100 Block – East of Waller


CITY COUNCIL DATE:

May 8, 2008

ACTION:

N/A

ORDINANCE READINGS: 1st2nd3rd**ORDINANCE NUMBER:****CASE MANAGER:** Joi Harden, NPZD**PHONE:** 974-2122**E-MAIL:** joi.harden@ci.austin.tx.us



C14-2008-0062 - East 11th Street NCCD
(A portion of Subdistrict 3)
Address: 1103 and 1105 N IH 35

To amend the East 11th St. NCCD Subdistrict 3 to add residential uses as defined in the Land Development Code to the list of permitted uses and delete Part 4 (C) of ordinance #910620-C (C14-88-0103) which requires an archeologist on site during excavation.

STAFF RECOMMENDATION

The Staff recommends approval of the rezoning from CS-1-NCCD-NP and CS-1-CO-NCCD-NP to CS-1-NCCD-NP with modifying the East 11th Street NCCD (Subdistrict 3). All provisions of the East 11th Street NCCD shall remain in place with the exception of the following modifications:

The following uses shall be permitted on the site:

- All residential uses.

The following will be deleted from the NCCD; Ordinance No. 910620-C (C14-88-0103):

- A qualified archaeologist, provided by the property owner, shall be on-site during excavation.
- A traffic impact analysis (TIA) may be required at the time of site plan.

The recommendation is based on the following considerations:

- 1.) The requested zoning classification is compatible with existing commercial and residential land uses in the area;
- 2.) The recommended permitted uses will encourage the compatibility of land uses within the East 11th Street NCCD; and
- 3.) All other conditions of the East 11th Street NCCD shall remain applicable to the site.

BASIS FOR RECOMMENDATION

1. *Zoning changes should promote compatibility with adjacent and nearby uses and should not result in detrimental impacts to the neighborhood character.*

The proposed rezoning will promote a compatible mix of land uses within the East 11th Street NCCD and will preserve the residential character of the established residential district.

2. *The proposed zoning should promote consistency and orderly planning.*

The proposed rezoning will be consistent with the permitted, conditional and prohibited land uses as listed in the NCCD ordinance.

EXISTING CONDITIONS

Site Characteristics

The subject rezoning area consists of a 0.748 Acres (32,582.88 square feet) zoned CS-1-NCCD-NP and CS-1-CO-NCCD-NP developed with a CVS Pharmacy and Money Store. The site lies within the East 11th Street NCCD (Subdistrict 3) and access to the property is via N IH 35, East 11th and 12th Street.

The applicant seeks to rezone the property to amend the East 11th Street NCCD to permit residential uses on the site and omit the provision which requires an archeologist on site during excavation.

Transportation

1. No additional right-of-way is needed at this time.

2. The traffic impact analysis for this site is not required.
3. There are existing sidewalks along both sides of E. 11th Street and along the east side of IH-35 northbound service road.
4. E. 11th Street is classified in the Bicycle Plan as a Priority 2 bike route.
5. Capital Metro bus service is available along E. 11th Street with the # 2 (Rosewood local), # 320 (St. Johns cross-town), # 430 (Eastside Story special service), # 482 (Night Owl East special service).

Environmental

1. The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Waller Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.
2. Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.
3. This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.
4. According to flood plain maps, there is no flood plain within the project area.
5. At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.
6. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Water and Wastewater

1. The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations and or abandonments required. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

Site Plan and Compatibility Standards:

1. This site will be subject to Commercial Design Standards; Branch Street, 12th Street are classified as Urban Roadways and IH-35 SVRD NB is classified as Highway.
2. **FYI:** This site is located in the [Desired Development Zone]. Expiration for any site plan will be three years from the date of approval however; under Project Duration [25-1-535(C)(3)] the site plan can only be extended to a maximum of five years from initial submittal date of [???]. No other extensions will be allowed under Project Duration for projects in the DDZ. For questions concerning Project Duration please contact Susan Scallon at 974-2659.
3. This site is located inside the Central East Austin Neighborhood Planning Area and the East 11th Street Neighborhood Conservation Combining District.
4. A portion of this site is traversed by 2 Capital View Corridors, the East 7th Street Bridge over the Texas-New Orleans Railroad and the East 11th Street Threshold. A Capital View Corridor Determination will be required with any site plan application.
5. Any site plan application will need to provide a letter from Neighborhood Housing and Community Development stating compliance with any Zoning Overlay which states ten percent of residential units in any residential building shall be reserved for rental by households earning no more than 80 percent of the Annual Median Family Income.
6. This tract is already developed and the proposed zoning change is a footprint within the existing development.
7. Site plans will be required for any new development other than single-family or duplex residential.
8. Any development which occurs in an SF-6 or less restrictive zoning district which is across the street from, adjoining or located 540-feet or less from property zoned SF-5 or more restrictive, or on which a use permitted in an SF-5 or more restrictive zoning district is located will be subject to compatibility development regulations.

5117 Valburn Court, Suite A
Austin, TX 78731
aliceglasco@mindspring.com
512-231-8110 • 512-857-0187 Fax

February 29, 2008

Greg Guernsey, Director
Neighborhood Planning and Zoning Department
505 Barton Spring Road, Suite 500
Austin, Texas 78704

RE: Rezoning Request for East 11th Street NCCD - a portion of Sub-District 3 (former Safeway (1107 N. IH - 35) and CVS & Money Store (1101 and 1105 N. IH-35)

Dear Greg:

I represent the owners of the above referenced property. The site is part of the East 11th Street NCCD (C14-88-0103) and is part of Sub-district 3. As you know, the NCCD document has a list of permitted uses for each sub-district. For sub-district 3, residential uses were not listed as permitted uses simply because when the NCCD was submitted in 1988, the owners at the time did not contemplate residential uses. Therefore, we would like to amend the NCCD as follows:

Request:

1. Amend the East 11th Street NCCD for a portion of sub-district 3 to add residential uses as defined in the Land Development Code to the list of permitted uses of Attachment 16 of the NCCD (see attached list).
2. Delete Part 4(c) of ordinance # 910620-C (C14-88-0103), which requires an archeologist on site during excavation in sub-district 3. This requirement proved to be unnecessary and confusing to city staff and the Historic Landmark Commission (HLC) during the development of the southern portion of sub-district 3 (Robertson Hill). The confusion was due to the fact that the HLC did not know what to do with the information regarding subsurface materials on private property (see attached ordinance). Other properties in Austin are not similarly burdened.
3. Affordable Housing: The property owners volunteer to provide affordable housing similar to what is offered under the University Neighborhood Overlay Ordinance (UNO) as follows:

ALICE GLASCO CONSULTING

Rezoning Request for East 11th Street NCCD a portion of sub-district 3 (Former Safeway Site (1107 N. IH-35) and CVS & Money Store (1101 and 1105 N. IH-35))

(A) 10 percent of the dwelling units on the site will house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; or

(B) Pay into a fund, a fee of \$0.50 for each square foot of net rentable floor area in that portion of the multi-family residential use.

(C) The director of the Austin Neighborhood Housing and Community Development Office may allocate money from the Fund for housing development in the area covered by the Central East Austin Neighborhood Planning Area that provides at least 10 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, for a period of not less than 15 years from the date a certificate of occupancy is issued.

We look forward to a positive staff recommendation. Please let me know if you have any questions or need additional information.

Sincerely,



Alice Glasco

Cc: Jerry Rusthoven, Zoning Division Manager
Joi Harden, Senior Planner

PERMITTED AND CONDITIONAL USES
WITHIN SUBDISTRICT THREE

* PERMITTED USES

Commercial Uses

Administrative and Business Offices
Arts and Crafts Studio (Limited)
Arts and Crafts Studio (General)
Business Support Services
Cocktail Lounge
Communications Services
Consumer Convenience Services
Consumer Repair Services
Financial Services
Food Sales
Funeral Services
General Retail Sales (Convenience)
General Retail Sales (General)
Hotel-Motel
Indoor Sports and Recreation
Indoor Entertainment
Laundry Services
Liquor Sales
Medical Offices
Outdoor Sports and Recreation
Personal Improvement Services
Personal Services
Pet Services
Professional Offices
Research Services
Restaurant (Drive-In, Fast Food)
Restaurant (Limited)
Restaurant (General)
Service Station
Commercial Parking Facilities

Civic Uses

Club or Lodge
Cultural Services
Guidance Services
Hospital Services (Limited)
Community Parking Facilities
Religious Assembly
Safety Services
Transportation Terminals

CONDITIONAL USES

Commercial Uses

Automotive Rental
Automotive Sales
Automotive Washing
Building Maintenance Services
Business or Trade School

Civic Uses

Community Recreation
College & University Facilities
Communication Service Facilities
Day Care Services (General)
Day Care Services (Limited)
Day Care Services (Commercial)
Private Educational Facilities
Public Educational Facilities

ADD: RESIDENTIAL USES

ALL RESIDENTIAL USES
AS PERMITTED

*No drive-in or drive-thru uses shall be permitted unless they are oriented toward and take access to IH-35.

Those properties which are located within the Keating and Breckinridge Urban Renewal Plans shall be restricted to the uses designated in all those plans.

ORDINANCE NO. 910620-C

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 (LAND USE) OF THE AUSTIN CITY CODE OF 1981 TO ESTABLISH AN EAST 11TH STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT WITHIN THE BOUNDARIES DEFINED BY THIS ORDINANCE; MODIFYING CERTAIN BASE DISTRICT USE, SITE DEVELOPMENT, AND PROCEDURAL REGULATIONS FOR PROPERTY INCLUDED IN THE EAST 11TH STREET NEIGHBORHOOD CONSERVATION COMBINING DISTRICT; CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; WAIVING THE REQUIREMENT OF SEC. 2-2-3 OF THE AUSTIN CITY CODE OF 1981 THAT ORDINANCES BE READ ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The City Council finds that an application has been submitted by the neighborhood organization and the owners of certain property located in the East 11th Street neighborhood to establish a Neighborhood Conservation Combining District ("NCCD") in accordance with and pursuant to applicable provisions of the Land Development Code; a Neighborhood Plan has been filed with the Director of the Department of Planning and Development; all required public hearings have been held and notices given as required by law; the recommendation of the Planning Commission has been duly considered; and the creation of an NCCD in the East 11th Street area is in the public interest and will benefit the property owners and residents of the neighborhood and the City.

PART 2. The East 11th Street Neighborhood Conservation Combining District (the "East 11th Street NCCD") is established, with its boundaries as shown on the maps attached and incorporated into this ordinance as Exhibit "A". The Zoning Map accompanying Chapter 13-2 (Land Use) of the Austin City Code of 1981 and made a part thereof is amended to establish the East 11th Street NCCD in combination with the base zoning district previously established and existing for each property within the East 11th Street NCCD.

PART 3. The use and development of property located within the East 11th Street NCCD shall conform with the use and site development regulations established by the applicable base zoning district and all other applicable regulations established by the Land Development Code, as such regulations may be modified by the NCCD regulations set forth in PART 4 of this ordinance.

PART 4. (a) The applicable provisions of Title XIII (Land Development Code) of the Austin City Code of 1981 are modified in the East 11th Street NCCD in accordance with the subparagraphs of this PART 4.

(b) The Neighborhood Plan which is attached as Exhibit "B" is incorporated herein by reference. Section VIII of the Neighborhood Plan, which is entitled "Modifications of the Land Development Code" and located at pages 12 through 26, and Attachments 14, 15, 16, 17 and 18 are adopted as modifications of the Land Development Code and are controlling within the East 11th Street NCCD. The balance of the Neighborhood Plan is for historical, informational, and advisory purposes only.

(c) A qualified archaeologist, provided by the property owner, shall be on-site during excavation

DELETE

DELETE

within Subdistrict 3. The archaeologist shall identify and document significant artifacts which are discovered and provide a report on the findings to the Historic Landmark Commission.

PART 5. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person, property, or set of circumstances is for any reason held to be unconstitutional, void, or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected by such invalidity, it being the intent of the City Council in adopting this ordinance that no portion or provision of this ordinance shall become inoperative or fail by reason of the invalidity of any other portion or provision of this ordinance; and all provisions of this ordinance are declared to be severable for that purpose.

PART 6. The requirement of Sec. 2-2-3 of the Austin City Code of 1981 that this ordinance be read on three separate days is waived by the affirmative vote or five members of the City Council to pass this ordinance through more than one reading on a single vote.

PART 7. This ordinance shall be effective ten days after the date of its final passage.

PASSED AND APPROVED:

June 20

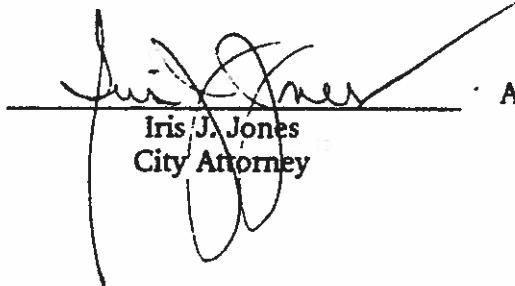
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Bruce Todd
Mayor

APPROVED:



Iris J. Jones
City Attorney

ATTEST:



James E. Aldridge
City Clerk

20JUNE91
JME



The Leader in providing change management solutions!

Date: April 28, 2008

Joi Harden
City of Austin
Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, TX 76767

Re: Case Number: C14-2008-0062

Ms. Harden,

As a property owner located at 901 East 12th street I am writing to support the amendment to the reference case that will allow residential Mix-Use) to be built on the site located at 1103 and 1105 N. IH-35.

As relates to the requirement to have an Archeologist on site during construction, I recommend versus requiring this condition that in the event items are found the Contractor would be required to call a Archeologist to inspect.

Sincerely,

A handwritten signature in cursive script that reads "Darrell W. Pierce".

Darrell Pierce
Principal, SNAP Management Group Inc.

The Savant Group



«AddressBlock» • «AddressBlock», «AddressBlock» «AddressBlock» • Phone 512-481-9356
E-Mail: emshropshire@gmail.com Web: capitolleast.com

Date: April 23, 2008

Ms. Joi Harden

Planner

City of Austin

Neighborhood Planning and Zoning Department

501 Barton Spring Road

Austin, Texas 78760

Dear Ms. Harden:

This letter is in support of the request to amending the East 11th Street NCCD (Sub district 3) to add residential uses as defined in the Land Development code to the list of permitted uses of Attachment 16 of the NCCD and delete Part 4 (C) of ordinance #910620-C (C14-88-0103) which requires an archeologist on site during excavation. I am a resident and business owner in the Central East Austin area. I am also a member of both the Robertson Hill Neighborhood Coalition and the East 12th Street Business and Property Owners Association. This zoning request was recommended several years ago as part of the consensus meetings discussion on the NCCD.

Should you have any questions, please feel free to contact me.

Sincerely,

Eric Shropshire

Eric M. Shropshire

Managing Partner